

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MATTHEW STALKER,

Plaintiff,

v.

PHH MORTGAGE CORPORATION,

Defendant.

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Case No. 13-00807-CV-W-DGK

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

This case arises from Plaintiff Matthew Stalker's lawsuit against Defendant PHH Mortgage Corporation ("PHH") for wrongful foreclosure on his home. Now before the Court is Plaintiff's motion for default judgment (Doc. 4).

To be entitled to an entry of default judgment a plaintiff must show that the defendant was properly served with the complaint and summons. *See Hicklin v. Edwards*, 226 F.2d 410, 413-14 (8th Cir. 1955). The contents of a proper summons must include the "name and address of the plaintiff's attorney...." FED. R. CIV. P. 4(a)(1)(C). Because the summons (Doc. 3) failed to comply with this rule, the Court declines to enter a default judgment. Therefore, Plaintiff's motion is DENIED without prejudice.

Date: September 19, 2013

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT